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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/677,535 | 10/02/2000 | Bruce Bent | 1800-002A | 4334 |
| 20583 | 7590 | 11/04/2003 | EXAMINER | |
| PENNIE AND EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, NY 100362711 | | | FELTEN, DANIEL S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/677,535

Applicant(s)

Bent

Examiner

Felt

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/13/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

1
2 1. Receipt of the amendment filed August 13, 2003 amending claims 1-4, 6-8 and adding
3 claims 9-29 is acknowledged. Claims 1-29 are pending in the application and are presented to
4 be examined upon their merits.
5
6

7 ***Response to Arguments***

8 2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in
9 view of the new ground(s) of rejection.
10
11

12 ***Claim Rejections - 35 USC § 103***

13 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
14 obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
16 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
17 are such that the subject matter as a whole would have been obvious at the time the invention was made to a
18 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
19 negated by the manner in which the invention was made.
20

21 4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery
22 (US 6,189,785) Hagan (hereinafter "'685", US 5,864,685) and Hagan (hereinafter "'398", US
23 5,291,398).
24

1 **Re claims 1-4, 6-19, 20-28 and 29:**

2 Lowery, as in claims 1, 6, 20 and 29, discloses a method for managing a plurality of
3 demand accounts for multiple clients whose funds are held at a plurality of banking institution
4 in one or more insured deposit accounts (see Lowery Abstract, and col. 2, ll. 66 to col. 4, ll.
5 53), comprising:

6 providing a database having client information for each account (see Lowery Abstract,
7 and col. 2, ll. 66 to col. 4, ll. 53);

8 administering clients' deposits and withdrawals from each of their demand accounts
9 authorizing or rejecting the use of funds in a particular client's demand account for
10 each demand payment requested from that client's account (see Lowery Abstract, and col. 2,
11 ll. 66 to col. 4, ll. 53);

12 determining the net transaction of the sum of the demand account deposits and
13 withdrawals on a regular basis (see Lowery Abstract, and col. 2, ll. 66 to col. 4, ll. 53);

14 using the determination of the transaction to deposit funds to or withdraw funds from
15 the one or more insured deposit accounts in which the client's funds are held to the client's
16 demand accounts (see Lowery Abstract, and col. 2, ll. 66 to col. 4, ll. 53);

17 updating the database for each clients' deposit and authorized demand payment (see
18 Lowery Abstract, and col. 2, ll. 66 to col. 4, ll. 53).

19 Lowery fails to disclose effectively providing Federal Deposit Insurance Corporation
20 ("FDIC") insurance greater than \$100,000 for each client. This is disclosed by ' 685 and '398
21 (see particularly, '398, col. 2, ll. 28+). It would have been obvious for an artisan of ordinary
22 skill at the time of the invention to provide the aforementioned feature to Lowery because an
23 artisan at the time of the invention would have recognized the advantage to structuring

1 different ownership categories within a single organization because an artisan would have
2 recognized the convenience of securing liquid funds in under one umbrella which would
3 provide less charges due to maintenance fees, while also providing FDIC protection for funds
4 in excess to \$100K. Thus to provide the aforementioned feature would be constituted an
5 obvious expedient to one of ordinary skill in the art.

6 as also in claim 2, determining whether each client's insured deposit account contains
7 more than a specified amount; and

8 distributing any amounts over the specified amount into another insured deposit account
9 at a preselected banking institution (see Lowery Abstract, and col. 2, ll. 66 to col. 4, ll. 53).

10 as also in claims 3, client's funds are deposited by at least one method selected from the
11 group consisting of check, wire or electronic transfer, automated clearing house ("ACH"),
12 third, party credits, and a sweep from one of the client's other accounts (see Lowery Abstract,
13 and col. 2, ll. 66 to col. 4, ll. 53).

14 as also in claim 4, wherein the specified amount is \$100,000 (see '685, col. 2, ll.
15 35+).

16 as also in claim 5, of determining a client's preferences of the amount of funds to be
17 held in each of the multiple insured deposit accounts (see Lowery Abstract, and col. 2, ll. 66 to
18 col. 4, ll. 53).

19 as also in claim 7, withdrawals are in the form of at least one type selected from the
20 group consisting of drafts), and combinations thereof (see Lowery Abstract, and col. 2, ll. 66
21 to col. 4, ll. 53).

1 as also in claims 8-19, 21-28, deposits are in the form of at least one type selected from
2 the group consisting of drafts (checks), sweeps, electronic transfers, and combinations thereof
3 (see '685, col. 1, ll. 53 to col. 4, ll. 24).
4
5

6 ***Conclusion***
7

8 5. Applicant's amendment necessitated the new ground(s) of rejection presented in
9 this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
10 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11 A shortened statutory period for reply to this final action is set to expire THREE
12 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
13 MONTHS of the mailing date of this final action and the advisory action is not mailed until after
14 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
15 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR
16 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,
17 will the statutory period for reply expire later than SIX MONTHS from the date of this final
18 action.
19
20

21 6. Any inquiry concerning this communication or earlier communications from the examiner
22 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The
23 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
24 Any inquiry of a general nature relating to the status of this application or its proceedings should

1 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
2 *Vincent Millin* whose telephone number is (703) 308-1065.

3
4 7. Response to this action should be mailed to:

5
6 Commissioner of Patents and Trademarks

7 Washington, D.C. 20231

8
9 for formal communications intended for entry, or (703) 305-0040, for informal or draft
10 communications, please label "Proposed" or "Draft".

11 Communications via Internet e-mail regarding this application, other than those under 35
12 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
13 addressed to [*daniel.felten@uspto.gov*].

14 All Internet e-mail communications will be made of record in the application file. PTO
15 employees do not engage in Internet communications where there exists a possibility that
16 sensitive information could be identified or exchanged unless the record includes a properly
17 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
18 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
19 Trademark on February 25, 1997 at 1 195 OG 89.

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21 

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23 DSF

24 October 31, 2003



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800